

Message Text

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INFO OCT-01 EUR-12 IO-13 ISO-00 DHA-02 VO-03 SSO-00 SS-15

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DRAFTED BY D/HA/ORM:LARTHUR:CML

APPROVED BY D/HA - SCLOWMAN

EUR/SE - NPAZDRAL

EUR/EE KBROWN

D/HA/ORM - WSON

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FM SECSTATE WASHDC

TO AMEMBASSY NICOSIA NIACT IMMEDIATE

USMISSION GENEVA IMMEDIATE

INFO AMEMBASSY PRAGUE

S E C R E T STATE 231118

E.O. 11652: XGDS-2

TAGS: SREF, CY, CZ (JANOUCH, OTAKAR)

SUBJECT:REQUEST FOR ASYLUM

REF: (A) NICOSIA 2865; (B) STATE 221292

1. PRELIMINARY NAMECHECKS CONDUCTED BY DEPT. REVEAL NO DEROGATORY INFORMATION.

2. SINCE JANOUCH'S PASSPORT IS IN CUSTODY OF CZECH TOUR GROUP, COOPERATION OF GOC REGARDING HIS DESIRE NOT TO RETURN TO CZECHOSLOVAKIA IS EXTREMELY IMPORTANT IN EITHER GRANTING HIM ASYLUM IN CYPRUS OR ALLOWING HIM TO TRAVEL TO A WESTERN EUROPEAN COUNTRY IN ORDER TO REQUEST ASYLUM. AS A SIGNATORY TO THE CONVENTION/PROTOCOL, CYPRUS HAS AN OBLIGATION NOT TO ARBITRARILY AND FORCIBLY RETURN A REFUGEE TO SECRET

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HIS COUNTRY OF NATIONALITY WITHOUT SYMPATHETIC CONSIDERA-

TION OF HIS ASYLUM REQUEST. WHILE WE DO NOT BELIEVE IT APPROPRIATE FOR US TO BECOME DIRECTLY INVOLVED WITH GOC IN REQUESTS SUCH AS THIS, WE WILL BE AS HELPFUL AS POSSIBLE IN URGING THE UNHCR TO INSURE THAT SYMPATHETIC CONSIDERATION IS GIVEN TO HIS REQUEST.

3. EMBOFF SHOULD FRANKLY DISCUSS WITH JANOUCH THE POSSIBLE TREATMENT GOC MAY GIVE TO HIS ASYLUM REQUEST, IN LIGHT OF

RECENT BILEK CASE. THE OUTCOME OF THAT CASE IS LESS THAN DESIRABLE AS IT APPEARS THAT THE GOC MAY HAVE ALLOWED CZECH AUTHORITIES TO PUT UNDUE PRESSURE ON BILEK TO RETURN. WE FIND IT A MATTER OF CONCERN THAT A PRECEDENT MAY HAVE BEEN SET BY GOC ALLOWING CZECHS' TO INTERVIEW BILEK BEFORE NOTIFYING UNHCR. WE BELIEVE WE SHOULD WORK TO OVERTURN THIS PRECEDENT.

4. THEREFORE, BEFORE JANOUCH'S DESIRE FOR ASYLUM IS COMPROMISED, HE SHOULD BE FULLY AWARE OF TREATMENT HE MAY RECEIVE AND THAT PRESSURE BY THE CZECH AUTHORITIES MAY BE PUT ON HIM AS A RESULT OF HIS MAKING KNOWN SUCH AN ASYLUM REQUEST.

5. IF IT IS STILL HIS DESIRE TO OBTAIN ASYLUM, WE WILL REQUEST UNHCR GENEVA'S ASSISTANCE IN ASSURING THAT UNHCR/NICOSIA SEEKS GOC GUARANTEES AGAINST FORCIBLE REPATRIATION AND IN PRESSING GOC TO GIVE SYMPATHETIC CONSIDERATION TO HIS REQUEST FOR ASYLUM OR RESETTLEMENT IN A THIRD COUNTRY.

6. WE BELIEVE THAT JANOUCH COULD VOLUNTARILY SEEK THE ASSISTANCE OF THE LOCAL UNHCR REP BEFORE MAKING HIS DESIRE FOR ASYLUM KNOWN TO GOC. SINCE THE UNHCR REPRESENTATIVES ELSEWHERE COMMONLY GIVE ASSISTANCE TO REFUGEES AS A RESULT OF DIRECT APPEAL BY THE REFUGEE, WE SEE NO REASON WHY UNHCR/NICOSIA SHOULD NOT MEET HIS RESPONSIBILITIES IN THE SAME FASHION. AFTER DISCUSSION WITH JANOUCH ON SEPT 18, EMB. SHOULD IMMEDIATELY NOTIFY ADDRESSEES OF HIS INTENTION BY NIACT IMMEDIATE.

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7. WE APPRECIATE THE SENSITIVE WORKING RELATIONSHIP BETWEEN UNHCR REP AND AMEMBASSY NICOSIA. US MISSION GENEVA SHOULD MAKE CLEAR OUR INTENTION IS NOT TO CRITICIZE KOAUT WITH WHOM EMBASSY NICOSIA HAS PRODUCTIVE RELATIONSHIP. HOWEVER, WE BELIEVE UNHCR GENEVA SHOULD BE AWARE OF OUR CONCERN ABOUT HANDLING OF AND POSSIBLE PRECEDENT SET BY BILEK CASE AND INSTRUCT UNHCR/NICOSIA TO UTILIZE ITS INFLUENCE AND RESOURCES IN WORKING

OUT A SATISFACTORY SOLUTION CONCERNING CASES SUCH AS
THIS.

8. FOR GENEVA - UPON NOTIFICATION BY AMEMBASSY NICOSIA
THAT JANOUCH DESIRES UNHCR ASSISTANCE IN OBTAINING ASYLUM,
MISSION SHOULD CONTACT UNHCR GENEVA PER PARA 7 ABOVE. ROBINSON

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